APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/504,156	02/15/2000	Jordan Brown	SUNB1P376/P4382	7524

22434	7590	01/08/2004

BEYER WEAVER & THOMAS LLP
P.O. BOX 778
BERKELEY, CA 94704-0778

EXAMINER
KENDALL, CHUCK O

ART UNIT	PAPER NUMBER
2122	

DATE MAILED: 01/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 01 December 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

     (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

     (b) ☐ they raise the issue of new matter (see Note below);

     (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

     (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.
         NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet.*

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☐ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

     The status of the claim(s) is (or will be) as follows:

     Claim(s) allowed: _____.

     Claim(s) objected to: _____.

     Claim(s) rejected: *1-24*.

     Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☒ Other: *Note the attached form 892.*

ANTONY NGUYEN-BA
PRIMARY EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because: Regarding Applicant's argument in response dated 12/01/2003 on page 8, third paragraph of response that Prior art (Preisler) doesn't disclose or suggest " communication between two system services" " Examiner disagrees. As set forth in previous action and also as noted in FIG.3 of Preisler, item#, 20,50 and 70 shows communication between one or more systems regading error check and recovery as interpretted by the Examiner. Regarding Applicant's argument that Prior art doen't teach or suggest "request from a first system service and a second system service for a primitive function replicating the first system service", Examiner understands this to be equivalent to Prior arts, FIG.1, item # 301, and associated text Col. 5:20-45, with reference to request see bi-directional flow between 301 and 303. For replicating as rehashed in several comments by Applicant see "in-memory copy" in Col.5:20-25. With regards to Applicants argument in claim 4 where Applicant argues that Prior art doesn't teach or suggest " returning a primitive function identifier identifying the requested primitive function to the upper layer in the stack when the lower layer receiving the request provides I/O functionality", Applicant's argument is moot, because Applicant is arguing for unclaimed merits of distinction. In claim 4 as, Applicant discloses "sending a primitive function request...when one of the layers is responsible for performing at least one of input and output...". Here Applicant calls for atleast "one of input and output" and not for "providing I/O functionality" as argued by Applicant.